

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH NATHAN, Chapter 7 Trustee
for the Bankruptcy Estate of Nicole Massey,

Plaintiff,

v.

GREAT LAKES WATER AUTHORITY,

Defendant.

Case No. 19-10131

Paul D. Borman
United States District Judge

ORDER OF REFERRAL TO FACILITATIVE MEDIATION
PURSUANT TO E.D. MICH. L. R. 16.4

The Court determines that this case would benefit from facilitation, and pursuant to E.D. Mich. L.R. 16.4, it is **ORDERED** that this matter is hereby referred to facilitative mediation. The parties shall select a Mediator of their choice and shall inform the Court, via email to the Case Manager no later than **June 18, 2020**, of their selection of a Mediator and scheduled date for facilitation.

The facilitative mediation shall be completed on or before **July 10, 2020**, and shall take place at the time and location designated by the Mediator after consultation with the parties. The Mediator is granted the discretion to schedule additional sessions as necessary to facilitate resolution of this dispute, provided the mediation is completed by the date noted above. All parties or individuals with settlement authority

are required to attend the facilitative mediation sessions. All parties are directed to attend all scheduled mediation session(s) with their respective counsel of record. Corporate parties must be represented by an agent with authority to negotiate a binding settlement.

It is further **ORDERED** that the facilitative mediation shall be conducted in the manner and method prescribed by E.D. Mich. L. R. 16.4.

It is further **ORDERED** that pursuant to Fed. R. Evid. 408, all information disclosed during the facilitative mediation session shall remain confidential, and shall not be disclosed to any other party or to this Court, without the consent of the parties. The Mediator shall not be called as a witness nor may the Mediator's records be subpoenaed or used as evidence.

It is further **ORDERED** that within ten (10) days of completion of the final facilitative mediation session, the Mediator will file a brief report with the Court stating only who participated in the facilitative mediation session(s) and whether a settlement was reached. Such post-facilitation report is not to contain any additional information which may breach the principles of confidentiality and privacy noted herein.

It is further **ORDERED** that the parties shall pay to the Mediator his or her administrative fee and hourly rate, which shall be divided equally between the parties.

This referral is not a substitute for further proceedings in this Court and the above-entitled case will proceed in this Court in the event settlement is not reached. All Scheduling Order dates shall be held in abeyance pending the outcome of facilitation.

IT IS SO ORDERED.

Dated: June 4, 2020

s/Paul D. Borman
Paul D. Borman
United States District Judge